



*William D. Reilich*  
*Supervisor*

# **TOWN OF GREECE**

## **BOARD OF ZONING APPEALS**

### **MINUTES**

**MARCH 6, 2018**

**Work Session Began: 6:30 p.m.**

**Meeting Began: 7:00p.m.**

**Place: Community Conference Room, Greece Town Hall**

#### **Present**

Albert F. Meilutis, Chairman

Thomas F. Hartwig

Randy T. Jensen

Cathleen A. Nigro

Bradford Shea

Anthony F. Wechsler

Christopher A. Schiano, Esq., Deputy Town Attorney

Scott R. Copey, Planner

Maryjo Santoli, Zoning Board Secretary

#### **Absent**

Andrew P. Forsythe

John T. Caterino, Planning Assistant

#### **Additions, Deletions and Continuances to the Agenda**

#### **Announcements**

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**Old Business:**

1. Applicant: Bell Atlantic Mobile Systems of Allentown, Inc. (d.b.a. Verizon Wireless)
- Location: 1510 Maiden Lane
- Mon. Co. Tax No.: 059.19-3-1.1
- Zoning District: R1-18 (Single-Family Residential)
- Request: a) A special use permit for a proposed cellular service telecommunications facility, consisting of a freestanding antenna tower (119 feet-high, including lightning rod) and related antenna(s), accessory antenna structures, and access driveway. Sec. 211-56 A
- b) An area variance for the use of barbed wire (188± linear feet) on top of a fence, where the use of barbed wire or other similar strands of sharpened enclosure material shall not be permitted, except as provided in Section 211-49. Sec. 211-46 E

**On a motion by Ms. Nigro and seconded by Mr. Wechsler, it was resolved to continue the public hearing on this application until the meeting of May 15, 2018, per the request of the applicant.**

<b>VOTE:</b>	<b>Mr. Forsythe</b>	<b>Absent</b>	<b>Mr. Hartwig</b>	<b>Yes</b>
	<b>Mr. Jensen</b>	<b>Yes</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
	<b>Ms. Nigro</b>	<b>Yes</b>	<b>Mr. Shea</b>	<b>Yes</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

**Motion Carried**  
**Application Continued Until**  
**Meeting of May 15, 2018**

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2. Applicant: Robert Minnick  
Location: 1430 Edgemere Drive  
Mon. Co. Tax No.: 035.09-1-15  
Zoning District: R1-E (Single-Family Residential)  
Request: a) An area variance for a proposed deck (1163± square feet) to be located in a waterfront yard, where accessory structures, such as decks, are permitted only in rear yards; and for said deck to have a front setback of 153.0± feet (measured from the north right-of-way line of Crescent Beach Road, aka Old Edgemere Drive) instead of the 118.5± feet maximum established by the neighborhood average. Sec. 211-11 E (3), Sec. 211-11 E (1), Table I  
b) An area variance for a proposed deck (1163± square feet) to have a (east) side setback of 0.0 feet, instead of the 6.0 feet minimum required. Sec. 211-11 E (1), Table I  
c) An area variance for a proposed deck (1163± square feet) to have a (west) side setback of 0.0 feet, instead of the 6.0 feet minimum required. Sec. 211-11 E (1), Table I  
d) An area variance for proposed lot coverage of 56±%, instead of the 25% maximum permitted. Sec. 211-11 D (2), Table I

**On a motion by Mr. Jensen and seconded by Mr. Shea, it was resolved to continue the public hearing on this application until the meeting of April 17, 2018 in order to give the applicant time to review their options.**

<b>VOTE:</b>	<b>Mr. Forsythe</b>	<b>Absent</b>	<b>Mr. Hartwig</b>	<b>Yes</b>
	<b>Mr. Jensen</b>	<b>Yes</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
	<b>Ms. Nigro</b>	<b>Yes</b>	<b>Mr. Shea</b>	<b>Yes</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

**Motion Carried**  
**Application Continued Until**  
**Meeting of April 17, 2018**

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3. Applicant: Bill Gray's, Inc.  
Location: 1161 North Greece Road  
Mon. Co. Tax No.: 073.01-2-26.22  
Zoning District: BR (Restricted Business)  
Request:
- a) An area variance for a proposed second (east side) building-mounted sign ("Abbott's"; 4.2 feet x 9.1 feet; 32.8 square feet), instead of the one (1) 156-square-foot building-mounted sign permitted. Sec. 211-52 B (2) (a) [1], Table VII
  - b) An area variance for a proposed third (east side) building-mounted sign ("Bill Gray's Tap Room"; 3.0 feet x 12.0 feet; 36.0 square feet), instead of the one (1) 156-square-foot building-mounted sign permitted. Sec. 211-52 B (2) (a) [1], Table VII
  - c) An area variance for a proposed fourth (south side) building-mounted sign ("Bill Gray's"; 4.0 feet x 16.0 feet; 64.0 square feet), instead of the one (1) 156-square-foot building-mounted sign permitted. Sec. 211-52 B (2) (a) [1], Table VII
  - d) An area variance for a proposed fifth (south side) building-mounted sign ("Abbott's"; 5.0 feet x 11.0 feet; 55.0 square feet), instead of the one (1) 156-square-foot building-mounted sign permitted. Sec. 211-52 B (2) (a) [1], Table VII
  - e) An area variance for a proposed sixth (south side) building-mounted sign ("Bill Gray's Tap Room"; 4.0 feet x 10.0 feet; 40.0 square feet), instead of the one (1) 156-square-foot building-mounted sign permitted. Sec. 211-52 B (2) (a) [1], Table VII
  - f) An area variance for a proposed seventh (west side) building-mounted sign ("Bill Gray's" and "Bill Gray's Tap Room"; 4.0 feet x 12.0 feet; 48.0 square feet), instead of the one (1) 156-square-foot building-mounted sign permitted. Sec. 211-52 B (2) (a) [1], Table VII
  - g) An area variance for a proposed freestanding sign for a business center to have a sign area of 180.0 square feet (9.0 feet x 20.0 feet, including decorative support area), instead of the 40.0 square feet maximum permitted. Sec 211-52 B (1) (d), Table VI

**Mr. Hartwig offered the following resolution and moved for its adoption:**

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 1161 North Greece Road, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR

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- Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes an Unlisted action under SEQRA.
2. The Board of Zoning Appeals has considered the Proposal at a public meeting (the "Meeting") in the Greece Town Hall, 1 Vince Tofany Boulevard, at which time all parties in interest and citizens were afforded an opportunity to be heard.
  3. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Board of Zoning Appeals' consideration.
  4. The Board of Zoning Appeals has carefully considered environmental information that was prepared by the Applicant and/or the Applicant's representatives or the Town's staff, which included but was not limited to maps, drawings, descriptions, analyses, reports, reviews, and an Environmental Assessment Form ("EAF") (collectively, the "Environmental Analysis").
  5. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered additional information submitted by the Applicant's representatives, including but not limited to: oral or written descriptions of the Proposal; maps and other drawings of the Proposal; and various oral or written comments that may have resulted from meetings with or written correspondence from the Applicant's representatives.
  6. The Board of Zoning Appeals has carefully considered additional information and comments that resulted from telephone conversations or meetings with or written correspondence from the Applicant and the Applicant's representatives.
  7. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that may have resulted from telephone conversations or meetings with or written correspondence from various involved and interested agencies, including but not limited to the Monroe County Department of Planning and Development and the Town's own staff.
  8. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that recommendations, and comments that may have resulted from telephone conversations or meetings with or written correspondence from nearby property owners, and all other comments submitted to the Board of Zoning Appeals as of this date.
  9. The Environmental Analysis examined the relevant issues associated with the Proposal.
  10. The Board of Zoning Appeals has completed Parts 2 and 3 of the EAF, and has carefully considered the information contained therein.
  11. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQRA.
  12. The Board of Zoning Appeals has carefully considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQRA.
  13. The Board of Zoning Appeals has carefully considered (that is, has taken the required "hard look" at) the Proposal and the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Analysis and all additional relevant information submitted.
  14. The Board of Zoning Appeals concurs with the information and conclusions contained in the Environmental Analysis.

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- 15. The Board of Zoning Appeals has made a reasoned elaboration of the rationale for arriving at its determination of environmental significance and the Board of Zoning Appeals' determination is supported by substantial evidence, as set forth herein.
- 16. To the maximum extent practicable, the project as originally designed or as voluntarily modified by the Applicant will minimize or avoid potential adverse environmental impacts that were identified in the environmental review process.

NOW, THEREFORE, be it

RESOLVED that, pursuant to SEQRA, based on the aforementioned information, documentation, testimony, and findings, and after examining the relevant issues, the Board of Zoning Appeals' own initial concerns, and all relevant issues raised and recommendations offered by involved and interested agencies and the Town's own staff, the Board of Zoning Appeals determines that the Proposal will not have a significant adverse impact on the environment, which constitutes a negative declaration.

**Seconded by Mr. Jensen and duly put to a vote, which resulted as follows:**

<b>VOTE:</b>	<b>Mr. Forsythe</b>	<b>Absent</b>	<b>Mr. Hartwig</b>	<b>Yes</b>
	<b>Mr. Jensen</b>	<b>Yes</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
	<b>Ms. Nigro</b>	<b>Yes</b>	<b>Mr. Shea</b>	<b>Yes</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

**Motion Carried**

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**Mr. Hartwig then offered the following resolution and moved its adoption:**

Mr. Chairman, Bill Gray's, Inc. plans to establish a new location at 1161 North Greece Road in a BR (Restricted Business) district and as such, Bill Gray's has submitted an application to apply for the following variances: a) An area variance for a proposed second (east side) building-mounted sign ("Abbott's"; 4.2 feet x 9.1 feet; 32.8 square feet), instead of the one (1) 156-square-foot building-mounted sign permitted; b) An area variance for a proposed third (east side) building-mounted sign ("Bill Gray's Tap Room"; 3.0 feet x 12.0 feet; 36.0 square feet), instead of the one (1) 156-square-foot building-mounted sign permitted; c) An area variance for a proposed fourth (south side) building-mounted sign ("Bill Gray's"; 4.0 feet x 16.0 feet; 64.0 square feet), instead of the one (1) 156-square-foot building-mounted sign permitted; d) An area variance for a proposed fifth (south side) building-mounted sign ("Abbott's"; 5.0 feet x 11.0 feet; 55.0 square feet), instead of the one (1) 156-square-foot building-mounted sign permitted; e) An area variance for a proposed sixth (south side) building-mounted sign ("Bill Gray's Tap Room"; 4.0 feet x 10.0 feet; 40.0 square feet), instead of the one (1) 156-square-foot building-mounted sign permitted; f) An area variance for a proposed seventh (west side) building-mounted sign ("Bill Gray's" and "Bill Gray's Tap Room"; 4.0 feet x 12.0 feet; 48.0 square feet), instead of the one (1) 156-square-foot building-mounted sign permitted; and g) An area variance for a proposed freestanding sign for a business center to have a sign area of 180.0 square feet (9.0 feet x 20.0 feet, including decorative support area), instead of the 40.0 square feet maximum permitted.

WHEREAS, the findings of fact are as follows. On February 20th, Rich Mastin of Bill Gray's, along with Mike Bonanno and Jim Columbo of Skylight Signs, appeared before this

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Board to present this variance request. These signs will be constructed out of a high-density polyurethane and will be illuminated with gooseneck lighting fixtures. This type of fixture will direct light back toward the building. Discussion then centered on the number of proposed south side building signs, directional signs, and the introduction of a freestanding pylon sign. As the pylon sign was not included in the original signage package, it would need to be advertised. Consequently, this application was continued to the meeting of March 6th in order to give staff time to re-advertise this application accordingly. This evening, March 6th, Dan Craig of Bill Gray's appeared before this Board to discuss the number of proposed signs on the south side of the building. He has agreed to relinquish and omit or withdraw variance "e" on the south side, which would say "Bill Gray's Tap Room." The other two signs on the south side—namely, "Bill Gray's" and "Abbott's"—would be necessary for the advertisement of the building from Ridge Road as these signs could be seen down the old North Greece Road. The size of the signs would be as stated because the building is approximately 645 feet off the road. If these signs were to be removed or one were to be omitted, it would be a hardship because then the lighting fixture and electrical work would have to be redone. As far as the east signs are concerned—the ones advertising "Bill Gray's," the "Tap Room," and "Abbott's"—that is the main entry into the building, and since these three entities are being offered at this location, that is where the advertisement is best placed and can be seen off North Greece Road. As for variance "f"—the "Bill Gray's Tap Room" that it is on the west side of the building—that would be necessary as the "Tap Room" would have separate hours from the restaurant. There will be times when the restaurant will be locked and the only access to the "Tap Room" will be through this west side of the building, so this sign would be necessary to let customers know that this is the way to gain entrance into the "Tap Room." As far as variance "g"—the freestanding pylon sign—that would be necessary especially for traffic southbound on North Greece Road as there is a turn in front of the plaza that kind of hides the plaza and the sign would be necessary for the people traveling southbound to realize that Bill Gray's is at that location and give them time to make that turn. As such, I move to approve this application with the following conditions:

1. That all necessary signage and building permits be obtained.
2. And that variance "e" be withdrawn.

**Seconded by Mr. Jensen and duly put to a vote, which resulted as follows:**

<b>VOTE:</b>	<b>Mr. Forsythe</b>	<b>Absent</b>	<b>Mr. Hartwig</b>	<b>Yes</b>
	<b>Mr. Jensen</b>	<b>Yes</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
	<b>Ms. Nigro</b>	<b>Yes</b>	<b>Mr. Shea</b>	<b>Yes</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

**Motion Carried**  
**Application Approved**  
**With Conditions**

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**New Business:**

1. Applicant: DMD Nissan West, LLC (d.b.a. Vision Nissan Greece)  
Location: 4000 West Ridge Road  
Mon. Co. Tax No.: 073.01-2-29.1  
Zoning District: BG (General Business)  
Request: A waiver of the requirements for a new special use permit to operate a business for the sale, lease or rental of new and used cars and trucks, including related repair or service facilities; and for outdoor storage or display of motor vehicles that was formerly Bob Johnson Nissan, which was previously approved by the Board of Zoning Appeals on May 6, 2014. Sec. 211-17 C (3) (b) [3] & Sec. 211-17 C (3) (b) [4]

**Mr. Meilutis offered the following resolution and moved for its adoption:**

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 4000 West Ridge Road, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (SEQRA Regulations, §617.5(c)(26).)
2. According to SEQRA, Type II actions have been determined to not have a significant impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, SEQRA requires no further action relative to this proposal.

**Seconded by Mr. Hartwig and duly put to a vote, which resulted as follows:**

<b>VOTE:</b>	<b>Mr. Forsythe</b>	<b>Absent</b>	<b>Mr. Hartwig</b>	<b>Yes</b>
	<b>Mr. Jensen</b>	<b>Yes</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
	<b>Ms. Nigro</b>	<b>Yes</b>	<b>Mr. Shea</b>	<b>Yes</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

**Motion Carried**

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**Mr. Meilutis then offered the following resolution and moved its adoption:**

Regarding the application of DMD Nissan West, LLC (d.b.a. Vision Nissan Greece), 4000 West Ridge Road, the applicant's representative, Danielle DeLorenzo, appeared before the Board of Zoning Appeals this evening, requesting a waiver of the requirements for a new special use permit to operate a business for the sale, lease or rental of new and used cars and trucks, including related repair and service facilities; and for outdoor storage or display of motor vehicles. A special use permit was previously approved by the Board of Zoning Appeals on July 6, 2010 for Ideal Nissan, and on May 6, 2014, the Board approved a waiver for the requirements of a special use permit for Bob Johnson Nissan.

WHEREAS, the applicant's representative, Danielle DeLorenzo, appeared before the Board this evening, informing us that the dealership ownership has changed and the new owner is planning on operating the business in the same manner as the previous owner. She is aware of the conditions of the special use permit and understands that any deviation from these conditions will require an application to this Board. The applicant was given the conditions of the special use permit that was approved July 6, 2010 for Ideal Nissan and the waiver for the requirements of a special use permit that was approved for Bob Johnson Nissan on May 6, 2014 and acknowledged receiving them, and she has agreed to operate under these stipulations; if anything changes, then they need to apply for an expansion of the special use permit. I am going to move that we waive the requirements of the new special use permit, with the condition that Vision Nissan complies with all the terms and conditions that were outlined in the application of previous owners and operators of the businesses which have sold motor vehicles from this site, which Vision Nissan is familiar with.

WHEREAS, on the main motion, I am going to move to approve the waiver request for the requirements of the special use permit to operate the business for the sale, lease or rental of new and used cars and trucks, including related repair and service facilities, and for outdoor storage or display of motor vehicles, as previously approved by this Board in 2010 and 2014. The applicant appeared before the Board this evening and has agreed to the condition that they will operate the business based on the testimony that was given this evening and the written business description submitted to this Board. I am going to move for the approval, with the condition that they operate exactly the way the stipulations were stated before, and for any deviation that is an expansion of the special use permit, the applicant will have to apply for approval and we will have to re-advertise.

**Seconded by Mr. Hartwig and duly put to a vote, which resulted as follows:**

<b>VOTE:</b>	<b>Mr. Forsythe</b>	<b>Absent</b>	<b>Mr. Hartwig</b>	<b>Yes</b>
	<b>Mr. Jensen</b>	<b>Yes</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
	<b>Ms. Nigro</b>	<b>Yes</b>	<b>Mr. Shea</b>	<b>Yes</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

**Motion Carried**  
**Application Approved**  
**With Conditions**

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**Modification to Neighborhood Notification:**

1. Applicant: Walmart Real Estate Business Trust  
Location: 3800 Dewey Avenue  
Mon. Co. Tax No.: 060.10-1-1.1, 060.10-1-15.1 & 060.10-1-16.1  
Zoning District: BG (General Business)  
Request: a) An area variance for proposed fifth (west side) building-mounted sign ("Lawn & Garden"; 58.35 square feet), instead of the four (4) building-mounted signs granted by the Board of Zoning Appeals on February 1, 2011. Sec. 211-52 B (2) (a) [1]  
b) An area variance for proposed sixth (west side) building-mounted sign ("Pickup"; 65.43 square feet), instead of the four (4) building-mounted signs granted by the Board of Zoning Appeals on February 1, 2011. Sec. 211-52 B (2) (a) [1]

The staff has recommended a modification of the neighborhood notification requirements, to reduce the number of property owners to be notified. The basis for this recommendation is the large size of the entire parcel and the many properties which would be included in the notification but which are not near the parcel where the signs will be placed.

**On a motion by Mr. Jensen and seconded by Mr. Shea, it was resolved to amend the Neighborhood Notification for the proposed fifth and sixth building-mounted signs for Walmart Real Estate Business Trust, 3800 Dewey Avenue, relying on the Town staff's judgment for fulfillment of the zoning ordinance and this Board's intent for adequate neighborhood notification, which in this case should be the parcels across from the proposed sign location fronting Dewey Avenue and the two side adjoining parcels, which are the parcels in the immediate vicinity that potentially would be most affected by the proposed building-mounted signs.**

<b>VOTE:</b>	<b>Mr. Forsythe</b>	<b>Absent</b>	<b>Mr. Hartwig</b>	<b>Yes</b>
	<b>Mr. Jensen</b>	<b>Yes</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
	<b>Ms. Nigro</b>	<b>Yes</b>	<b>Mr. Shea</b>	<b>Yes</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

**Motion Carried  
Request Granted**

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2. Applicant: Family First Credit Union  
Location: 1100 Long Pond Road  
Mon. Co. Tax No.: 074.06-2-11.2  
Zoning District: BR (Restricted Business)  
Request: a) An area variance for a proposed (north side) building-mounted sign ("Family First Credit Union"; 6.3 feet x 16.0 feet; 100.8 square feet), instead of the 37.54 square feet granted for a previous tenant by the Board of Zoning Appeals on February 4, 2003. Sec. 211-52 B (2) (a) [1]  
b) An area variance for a proposed second (west side) building-mounted sign ("Family First Credit Union"; 4.7 feet x 12.0 feet; 56.4 square feet), instead of the 37.54 square feet granted for a previous tenant by the Board of Zoning Appeals on February 4, 2003. Sec. 211-52 B (2) (a) [1]

The staff has recommended a modification of the neighborhood notification requirements, to reduce the number of property owners to be notified. The basis for this recommendation is the large size of the entire parcel and the many properties which would be included in the notification but which are not near the parcel where the signs will be placed.

**On a motion by Mr. Wechsler and seconded by Mr. Hartwig, it was resolved to amend the Neighborhood Notification for the proposed north side building mounted sign and a proposed second west side building-mounted sign for Family First Credit Union, 1100 Long Pond Road, relying on the Town staff's judgment for fulfillment of the zoning ordinance and this Board's intent for adequate neighborhood notification, which in this case should be the parcels across from the proposed sign location fronting Long Pond Road and the two side adjoining parcels, which are the parcels in the immediate vicinity that potentially would be most affected by the proposed building-mounted signs.**

<b>VOTE:</b>	<b>Mr. Forsythe</b>	<b>Absent</b>	<b>Mr. Hartwig</b>	<b>Yes</b>
	<b>Mr. Jensen</b>	<b>Yes</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
	<b>Ms. Nigro</b>	<b>Yes</b>	<b>Mr. Shea</b>	<b>Yes</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

**Motion Carried  
Request Granted**

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**ADJOURNMENT:** 8:00 p.m.

**APPROVAL OF BOARD OF ZONING APPEALS MEETING MINUTES**

The Board of Zoning Appeals of the Town of Greece, in the County of Monroe and State of New York, rendered the above decisions.

**Signed:** \_\_\_\_\_

**Date:** \_\_\_\_\_

Albert F. Meilutis, Chairman

**NEXT MEETING:** March 20, 2018